

**Milton Town Council Meeting
Milton Theatre, 110 Union Street
Monday, May 5, 2008
6:50 PM**

1. Public Hearing

Vice Mayor Betts: called the Public participation of the meeting to order at 6:50 PM
Council members present: Martin-Brown, DUBY, Hudson, Abraham, Betts.

I would like to call the Public Hearing on the ordinance to amend section 4.7.2.A,
Permitted Uses in the Light Industrial Use District of the Zoning Code of the Town of
Milton, Delaware. Ordinance read into the record

Do we have anyone wishing to make a statement or comment on this ordinance? No
comments? Do I hear a motion to close the public hearing? C DUBY: I make a motion to
close the Public Hearing. C Abraham: Second. All in favor, motion carried.

2. Public Participation

Katherine and Bill Bell –As some of you know, Bill and I live in the Historic District at the
corner of Chestnut and Poplar Streets. We have some slum landlords and they are blight on
the Town of Milton. If you look at the first page of pictures you'll see it was pretty awful
looking in 2007. It was a porch and yard strewn with trash. Now it is just charred, that's
the only difference. There was a fire and it has broken windows and it has had some
cleanup in the yard. I came home the other day and found him dropping off bags of rubbish
from other locations. There is no work going on at that particular property. There was a
dump truck, a flatbed, and trash being unloaded and put on the curb the day before our
town-wide yard sale. If you go further down Poplar Street, we have what used to be some
kind of trailer that somebody has been parking on the big vacant lot. I think before we start
talking about expanding it, we need to enforce the regulations within the district so that it
represents the citizens of the Town of Milton a little bit more appropriately. We have filed
complaints before and I know that some actions have been taken, but enough is enough.
Vice Mayor Betts: Thank you very much. Do any of the Council members have any
comments to make or ask questions? No questions. We will look into this Thank you very
much.

Katherine Grieg: Good evening, I'm Katherine Grieg of 326 Union Street, but speaking as
the president of the garden club We had the drawing for the spring garden clean up and a
gentleman from Rehoboth Beach won. The summer planting day when we will be planting
in the gardens will be on Saturday, May 17th at 9:00 am. If any body has a few hours and
would like to come out, we could use the help On Saturday, May 24th, the garden club will
have a booth at the horse shoe crab festival and we'll be selling plants I just want to
mention that the garden tour is Saturday, July 12th. At the Horse Shoe Crab Festival we
will have the pre-tour tickets on sale for the first time. Thank you. Vice Mayor Betts:
Thank you and thank the Garden Club for the Town of Milton.

Vice Mayor Betts: I would like to make note that John Brady, our Town Solicitor, is not able to be here but we have Andre Beauregard from his office, representing John Brady. Thank you for coming.

3. Call to Order – Vice Mayor Betts opened the Milton Town Council Meeting at 7:09 PM on May 5, 2008.
4. Moment of Silence – Councilwoman Betts. All rose for a moment of silence.
5. Pledge of Allegiance to the Flag was said by all in attendance.
6. Roll Call Vote:

C Martin-Brown	here
C Duby	here
C Hudson	here
C Prettyman	will be late
C Abraham	present
Vice Mayor Betts	present

7. Additions or Corrections to the Agenda

8. Are there any additions or Corrections to the Agenda? Do I hear approval of the agenda?

C Abraham: I make a motion to approve as written.

C Hudson: Second

Vice Mayor Betts: We have a motion and a second, roll call:

C Martin-Brown	here
C Duby	yes
C Hudson	yes
C Abraham	yes
Vice Mayor Betts	yes

Motion carried

9. Presentation of Minutes

- a. April 7, 2008
- b. April 17, 2008

10. Approval of Minutes by Council

C Abraham: I make a motion to accept the April 7, 2008 as prepared

C Duby: Second

C Hudson: I make a motion to accept the April 17, 2008 minutes, as prepared.

C Abraham: Second

Vice Mayor Betts: We have a motion and a second, roll call:

C Martin-Brown	yes
C Duby	yes

C Hudson	yes
C Abraham	yes
Vice Mayor Betts	yes

11. Committee Reports

You have the approval of the written committee reports. Are there any questions?

C Abraham: So moved.

C Duby: Second

Vice Mayor Betts: We have a motion and a second, roll call:

C Martin-Brown	yes
C Duby	yes
C Hudson	yes
C Abraham	yes
Vice Mayor Betts	yes

Motion carried.

12. Town Manager Report: George Dickerson: Mayor, if I may, the only change I have is that we have our two consultants and they do have other business tonight. I'm just going to introduce them first and they are Debbie Pfeil from URS and Bob Kerr from Cabe Associates. The presentation I am going to make is related to Council's wishes as to procedural processes, how to speed up some of our Planning & Zoning issues and also to assist businesses. Bob Kerr, will make a presentation now to Council based on their findings and recommendations.

b) Debbie Pfeil: Thank you. We'll both be speaking tonight, so I appreciate the honor again. As requested, the Project Coordinator, the Town Engineer, myself as the Town Planner and the Town Attorney, met and prepared preliminary recommendations regarding the Town's procedure for development and redevelopment for the Town of Milton. What we will present tonight are just recommendations based on using the procedure on a daily, monthly and yearly basis for the Town. The Town should be commended for dedicating time and resources to ensure the procedures and the Town are user-friendly and streamlined whenever possible. The list is a beginning step towards a scope or goal of the work to be completed; however, it is not complete without input from everybody involved. I think we can not stress this enough. That would be everybody, the stakeholders, the citizens, the commissions, the boards, the Council. It is easy to change procedures however, the understanding and the education that goes along with procedural decisions are very important as well. Some of the recommendations are specific and others go into more detail. Another good starting point is using the flow charts that were provided to you at a previous Council meeting. Those flow charts that were presented to you are your current code requirements, so they aren't anything that we came up with or that we pulled out of the sky, they are truly you're code related procedures. Some of the requirements may seem unnecessary, however, the consultants can provide advice, and I want to emphasize advice, on why the Town should keep them and/or remove any unnecessary requirements based on the experience and reviews we have had in other municipalities. These are the Town's requirements and they can have an affect on the direction and momentum of redevelopment and development within the Town. A complete code re-write is NOT being proposed at this

time. The recommendations are specific to procedures. The Town is due for a comprehensive plan update next year and the visions within that plan will state objectives that should be carried out upon adoption of the plan. You will be doing some code rewriting as you would need to for the procedures, but the depth of permitted uses, setbacks, height, a lot of the rewrite in the Code that people may want, it is recommended that you do that after revision of the comprehensive plan. Let me introduce Bob Kerr, the Town Engineer. Once again this is a collaborative effort with all your consultants and Robin Davis, and he's going to go over some of the recommendations we have for your consideration. We were asked to give you the ones that we feel that are the most troublesome or are the issues related to the projects. Thank you.

Bob Kerr: Thank you, Debbie. Rather than read everything that was just handed out to you, I am just going to hit the highlights. We came up with sixteen items that are the starting point. We felt all of them were worth taking additional time and effort to look at but there may be some that you would prefer not to mess with at this time and we would understand:

- 1) Change of use.
- 2) Large parcel development
- 3) Historic preservation
- 4) Improvement on drawing
- 5) Public Hearing Process
- 6) Accessory structures
- 7) Town Center Historic District signs
- 8) Home occupation
- 9) Minor sub-divisions and/or portioning of a piece of property
- 10) The applicant tools
- 11) Fees
- 12) Mapping
- 13) Conditional Uses
- 14) Other agency review involvement
- 15) Fast tracking process
- 16) Timeline should be tested for each procedure

That's kind of a beginning point. Thank you and if you have any questions for either Debbie or I, we would be more than pleased to try to answer them. Vice Mayor Betts: Do any of the Council Members have any questions or comments? C Duby: I have a question which is raised in my mind by looking at this. In one of them you mentioned the term overlay. I was wondering if you were aware of the issue of overlays in the Legislature now, whether we should be getting involved in that, maybe not involved, but speaking out about it. I understand that we are in danger of possibly using the right to use overlays. Debbie Pfeil: Mr. Brady is probably aware of that too. We are waiting on some court cases on the overlay zoning, but the question is, should we put them as overlay zoning vs. new zoning district. Maybe the LPD needs to be its own district with some density type things. There are a lot of towns that are moving to PUD or RPC as a known district vs. the overlay/density C Martin-Brown: On your list item nos. 1, 6, 7 and 10 all seem to relate

directly to the business/industry economic development agenda or committee. How do you envision that committee(s) with historic review, engaging like you have for no. 3, Historic Preservation, that other committee; how do you see these committees providing insight, advice and assessment in this process? Bob Kerr: This committee was something that was discussed at your last meeting and we were given a directive to put a list together. It could come back with recommendations to Mayor and Council. It is possible that the actual language would be drafted by the Historic Preservation or the Planning and Zoning Committee C Martin-Brown: But not to suggest language or changes in these categories. Bob Kerr: I think they could decide to make recommendations, but whether it comes back to Council or Council sends it to another Committee, is something that needs to be worked out and it is really Council's decision as to how you want to proceed. Debbie Pfiel The people assigned to this committee are very important and I think before any regulations are adopted that a very rough draft goes back to the committees to see if they can live with it. Vice Mayor Betts: Thank you. Any other questions? George Dickerson: Don will identify who should serve on the Committee, what they should review and most importantly, that everyone's input be expressed in some form so that it gets back to the Committee and finally, obviously, the Council would have the final vote on what the issues are.

a) Town of Milton – 6 Month Budget Review – The budget review process is designed to allow Council to adjust the budget figures based on year-to-date information and projected costs. At the six-month interval, we are able to reanalyze the financial position of the Town of Milton and adjust the budget based on those facts. The Town Manager reviewed changes in the budget for each department during a power point presentation The proposed Budget Review for this year's total revenue is \$3,433,900. Total Expenses makes it balanced. The net effect that we have is that the Proposed Budget that you have been presented with now, reflects a total decrease of the overall budget of \$13,829 and cutting those costs to readjust for the six-month period, means we have balanced the budget. We have bank account surpluses of about \$2.5 million invested in CD's and we also keep approximately \$1 million in operating expenses and other sources where we need to get to them based on what projects we are working on at any given time. Thank you. I'll try to answer any questions. Vice Mayor Betts: Does anyone have any questions to ask the Town Manager. George Dickerson: The Legislature would like to see elected officials in Dover, and not just the Town Managers or County Administrators. Mayor Ford from Lewes is asking for all elected officials from Milton, if they can, to go to Legislative Hall tomorrow at 2:00 pm. The issue is the transfer tax. Everyone that possibly could go should be at Legislative Hall at 2:00 pm in Dover. It would drastically affect us for next year and currently is the only way that you have revenue sources. There are only a couple of ways to fix it: you increase fees, you increase taxes or you cut services, and that's where we are headed if they should do this to us. For us to be dependent on this money when we were not sure at any time that we would ever receive it was a mistake. Having said that, the update on the water tower which includes our regular maintenance on the 75,000 gal. tank, which is over by Shipbuilders, went through repainting on the outside, as well as the inside. Also, we brought another well that was on line and with that well there was some testing that had to be done of the waters before the tank could actually be used. If you remember last month, Charlie Fleetwood read a letter into the record with regard to Tom Sombar's statements that were made. I had asked Stephanie to contact Tom

Sombar with regard to the statements that were made with regard to the 200th Anniversary Committee that the event cost them some money and they were responsible for some type of shortfall within our budget. He has been contacted, and said that he would be more than willing to come here right after tax season and speak to those two comments. One issue is about the 200th Anniversary Committee having caused some kind of deficit or was responsible for that within the budget and the second was his comment with regard to the Mulberry Street project which was funded by the State and had nothing to do with the Town. We have a noise ordinance. We had no way to measure that. A decibel meter is what we needed. The decibel meter has been received. It is a certified meter. We are in the process of scheduling training. The police department will respond to anything after Town Hall closes and CC, our Code Officer, will be responsible during his daytime hours and when he works one Saturday per month. The John Milton Statue will soon be ready. Charlie Fleetwood needs an answer from Town Council because you are one of the sponsors of the statue, as well as the bench it will be sitting on, the name of those sponsors will be engraved into that bench. I need the Council to let me know what you would like to see in there and Charlie would like to have that in the next few days, if he could. He wants it in writing, specifically as to what the verbiage is. C Abraham: I would like to make a motion to have all of present Council's names listed on the bench for the John Milton Statue. C Duby: Second. Vice Mayor Betts: All in favor. Motion carried. I think we should also include the Town Manager because of all the hard work he does. C Abraham: I would like to make an amended motion to have all of present Council's names and the name of the Town Manager, George Dickerson, listed on the bench for the John Milton Statue. C Hudson: Second. Vice Mayor Betts: All in favor. Motion carried. George Dickerson: I'm honored. Thank you. That's all I have for my report. Vice Mayor Betts: Does anyone else on Council have a question for the Town Manager? C Hudson: Madam Mayor, I do think it is important – there was a line item of some \$5,000+ in that budget review for salaries for the Council. I think that's NOT per Council member. Vice Mayor Betts: That's a sum total of the salaries for ALL the Council members, including the Mayor.

13. Town Solicitor's Report: Vice Mayor Betts: Do you have one from Mr. Brady? Mr. Beauregard: As it was such short notice, I do not have one. I will have one for the next meeting. Vice Mayor Betts: We'll table that. May I have a motion to table the Town Solicitor's Report until next month? C Hudson: So moved. C Abraham: Second. Vice Mayor Betts: All in favor. Motion carried.
14. Written Reports from:
 - a. Maintenance – Vice Mayor Betts: Do I have a motion to approve the Maintenance Report, as written. C Abraham: Motion to approve the monthly maintenance report, April 2008. C Duby: Second. Vice Mayor Betts: All in favor. Motion carried.
 - b. Project Coordinator/Code Enforcement - Vice Mayor Betts: Do I have a motion to approve the Project Coordinator/Code Enforcement Report, as written. C Duby: Motion to approve the Project Coordinator/Code Enforcement report. C Abraham: Second. Vice Mayor Betts: All in favor. Motion carried.

- c. Police - Vice Mayor Betts: Do I have a motion to approve the Police Report, as written. C Duby: Motion to approve the Police report. C Hudson: Second. Vice Mayor Betts: All in favor. Motion carried.

15. Old Business

- a. Second Reading and vote on the approval of the proposed ordinance amendment to Section 4.7.2 (A) of zoning ordinance-Permitted Uses in the Light Industrial Use District.

Vice Mayor Betts: As Ordinance no. 208-2008-0004, an Ordinance to amend Section 4.7.2.A, Permitted Uses in the Light Industrial Use District of the Zoning Code of the Town of Milton, Delaware. Second reading of the proposed ordinance was read into the record.

Do I hear a motion to approve this Ordinance? C Abraham: I would like to make a motion to approve Ordinance 208-2008-0004 an ordinance to amend Section 4.7.2.A, Permitted Uses in the Light Industrial Use District of the Zoning Code of the Town of Milton, Delaware. C Duby: Second.

Vice Mayor Betts: We have a motion and a second, roll call:

C Martin-Brown	yes
C Duby	yes
C Hudson	yes
C Abraham	yes
Vice Mayor Betts	yes

Motion approved.

- a. Appointment of members to 2008 committees whom completed the code of ethics form after April 17, 2008. George Dickerson: I will read the committee name and then read the name of the member that has turned in their Ethics Form:

Board of Adjustment	Larry Savage
Historic Preservation Board	Gwen Fuller & Jack Russell
Economic Development Comm.	Thomas Huff
Emergency Preparedness Comm.	Janet Turner, Kerry Davies, & Bill Wright
Board of Health & Environment Comm.	Sandra Doyle & Jane Duffield
Historic District Expansion Ad Hoc Committee	Marie Mayor
Public Information Committee	Janet Turner
Dog Park Committee	Joy Lester
Ethics Ad Hoc Committee	Rev. John Barton & Janet Turner

Vice Mayor Betts: Can I have a motion to approve those appointments, please? C Duby: I would like to move that we approve the appointments to the Town

Boards, Commissions and Committees as read by the Town Manager. C Hudson: Second. Vice Mayor Betts: All in favor. Motion carried.

16. New Business

- a. Six Month Budget Review Approval – Vice Mayor Betts: Would you like to vote on that or would you like to table that until the 15th in order to review it? C Hudson: I make a motion to table this until May 15, 2008 so we have time to review it. C Duby: So moved. Vice Mayor Betts: All in favor. Motion carried.

Resolution authorizing participation in the Delaware Economic Development Office Downtown Delaware commercial district affiliate program – George Dickerson: Resolution 2008-0002. The proposed resolution was read into the record.

Vice Mayor Betts: Do I have a motion to vote on the Resolution, as read? C

Hudson: I make a motion that we vote on the Resolution, as read. C Martin-

Brown: Second. Vice Mayor Betts: Motion properly made and seconded.

Roll Call Vote:	C Martin-Brown	yes
	C Duby	yes
	C Hudson	yes
	C Abraham	yes
	Vice Mayor Betts	yes

Motion carried.

17. Executive Session: Discuss Land Acquisition, Litigation and Personnel:

Vice Mayor Betts: Due to the fact that our attorney Brady is not here, we did have an executive session scheduled, but we will table that until the next meeting when Attorney John Brady is present.

18. Adjournment:

C Abraham: I make a motion to adjourn. C Duby: Second. Vice Mayor Betts: All in favor. Motion carried. Adjournment at 8:05 p.m.